

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 19-CR-03007
)	
KAMEL M. ELBURKI,)	
)	
Defendant.)	

**MOTION FOR EXTENSION OF TIME, OUT OF TIME, TO FILE PRETRIAL
MOTIONS TO INCLUDE, BUT NOT BE LIMITED TO, MOTIONS TO SUPPRESS**

Comes now Defendant, Kamel M. Elburki, by counsel, and hereby moves this Honorable Court for an Extension of Time, Out of Time, to file Pretrial Motions to include, but not be limited to, a Motions to Suppress.

1. Mr. Elburki was arraigned on January 14, 2019.
2. The Scheduling and Trial Order was entered on January 17, 2019, setting the deadline for filing Pretrial Motions for February 6, 2019.
3. That this counsel's Notice of Attorney Appearance was filed on March 27, 2019.
4. That co-counsel Donald R. Cooley's Notice of Attorney Appearance was filed on May 31, 2019.
5. That co-counsel Kelli Greenwood Anderson's Notice of Attorney Appearance was filed on June 18, 2019.
4. Some of the discovery relevant and pertinent to the Pre-Trial Motions, including, but not limited to, Motions to Suppress, have still not been provided to Defendant or his counsel. That these issues have been discussed with Government's counsel Byron H. Black as recently as November 17, 2019. That Government's counsel Byron H. Black is in the process of locating

these items for delivery and/or inspection by Defense counsel. That during the November 17, 2019, conversation regarding discovery, Mr. Black stated that he would NOT object to the filing of this Motion.

4. After receipt of the discovery in question, 2019, additional time will be needed to review the discovery, conduct investigation, and conduct legal research based on the discovery.

5. At issue in the Pre-Trial Motions and the Motions to Suppress are Mr. Elburki's Constitutional rights. Allowing Mr. Elburki to file his Motions out of time will afford Mr. Elburki due process of law under the Fifth Amendment to the United States Constitution and also afford Mr. Elburki effective assistance of counsel under the Sixth Amendment to the United States Constitution. In short, allowing Mr. Elburki to file his Motions motion out of time will avoid a miscarriage of justice.

WHEREFORE, Defendant, via counsel, hereby moves this Honorable Court for an Extension of Time, Out of Time, to file Pre-Trial Motions including, but not limited to, Motions to Suppress, and for such further Orders as this Court deems just and proper.

Respectfully submitted,

/s/ Daniel L. Allen
DANIEL L. ALLEN, MO #51429
ALLEN & ASSOCIATES,
THE LAW OFFICE OF DANIEL L. ALLEN, LLC,
204 E. Kansas St., Suite A
Liberty, MO 64068
P: 816-842-3328
F: 816-781-4088
E: allenassociatesecf@gmail.com
Co-counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2019, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

/s/Daniel L. Allen

Daniel L. Allen, MO #51429